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STATE OF CALIFORNIA -- THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: APPEAL **SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: County of Santa Barbara

LOCAL DECISION: Approval with Conditions

APPEAL NO.: A-4-STB-05-037

APPLICANT: Jack Maxwell

APPELLANT: Valerie Olson

PROJECT LOCATION: 4865 Vieja Drive, Goleta Community Plan area, Santa Barbara County.

PROJECT DESCRIPTION: Lot line adjustment between two parcels, consisting of a parcel (Parcel 1) currently developed with horse related structures and a parcel (Parcel 2) with an existing single-family residence and horse related structures. Parcel 1 (APN 065-240-019) will be increased in size from 1.16 acres to 2.38 acres and Parcel 2 (APN 065-240-020) will be decreased in size from 2.33 acres to 1.11 acres. Reconfigured Parcel 1 would then be subdivided into four single-family lots and one common area to remain as open space (.96 acre). No development is proposed on Parcel 2 under this application. The project also includes the construction of two, one-story single-family residences, with a maximum average mean height of 16 feet, and two, two-story single-family residences, with a maximum average mean height of 21 feet, landscaping, access road, entry gate, drainage swales, and 2,770 cu. yds. of grading (1,550 cu. yds. cut, 1,220 cu. yds. fill)

SUMMARY OF STAFF RECOMMENDATION **SUBSTANTIAL ISSUE DOES NOT EXIST**

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. The **motion** and **resolution** for no substantial issue are found on **pages 4-5**.

The appeal contends that the approved project is not consistent with policies and provisions of the certified Local Coastal Program with regard to public views and the physical scale and character of the existing community.

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EXHIBITS

Exhibit 1.Final Local Action Notice (County Approval With Conditions)

Exhibit 2.Olson Appeal w/Visual Simulations Submitted by Appellant

Exhibit 3.Vicinity Map

Exhibit 4.Lot Line Adjustment

Exhibit 5.Vesting Tentative Tract Map

Exhibit 6.Development Plan

Exhibit 7.Elevation and Floor Plans

Exhibit 8.More Mesa Property Line Setbacks in the Vicinity

SUBSTANTIVE FILE DOCUMENTS: County of Santa Barbara Local Coastal Program; Santa Barbara County Tentative Tract Map 14,595 (Board of Supervisor Approval dated 2/15/05); Wetland Survey and Delineation Report, 4865 Vieja Drive, Santa Barbara (Watershed Environmental, April 2002); Wetland Restoration Plan, 4864 Vieja Drive, Santa Barbara (Watershed Environmental, February 10, 2004);

I. APPEAL PROCEDURES

A. APPEAL JURISDICTION

Under Section 30603 of the Coastal Act, development approved by a local government may be appealed to the Commission if they are located within the appealable areas, such as those located between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of any wetland, estuary, or stream. Further, any development approved by a local County government that is not designated as the principal permitted use within a zoning district may also be appealed to the Commission, irrespective of its geographic location within the coastal zone. Finally, development that constitutes major public works or major energy facilities may also be appealed to the Commission.

The project is located adjacent to the area known as More Mesa, in the Goleta Community within unincorporated Santa Barbara County. The Post Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction map certified for the County of Santa Barbara indicates that the appeal jurisdiction for this area extends between the first public road and the sea, in this case between the coastal zone boundary and the sea. As such, the subject sites are located within the appeal jurisdiction of the Commission and any projects approved for these sites are therefore appealable to the Commission.

B. APPEAL PROCEDURES

The Coastal Act provides that after certification of Local Coastal Programs, a local government's actions on Coastal Development Permits in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of its coastal permit actions. During a period of 10 working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

1. Grounds for Appeal

The grounds for appeal of development approved by the local government and subject to appeal to the Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code (Section 30603[a][4] of the Coastal Act).

2. Substantial Issue Determination

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that a substantial issue exists with respect to the grounds of the appeal, substantial issue is deemed to exist unless three or more Commissioners wish to hear arguments and vote on

substantial issue. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue stage of the appeal process are the applicant, persons who opposed the application before the local government (or its representatives), and the local government. Testimony from other persons must be submitted in writing. It takes a majority of Commissioners present to find that substantial issue is raised by the appeal.

3. De Novo Review Hearing

If a substantial issue is found to exist, the Commission will consider the County's action de novo. The de novo permit may be considered by the Commission at the same time as the substantial issue hearing or at a later time. The applicable test for the Commission to consider in a de novo review of the project is whether the proposed development is in conformity with the certified Local Coastal Program and the public access and public recreation policies of the Coastal Act. If a de novo hearing is held, testimony may be taken from all interested persons.

C. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

Commission staff received a Notice of Final Action for a Coastal Development Permit (Case Nos. 02LLA-00000-00002; 02TRM-00000-00002; 02DVP-00000-00002; and 04CDP-00000-00087) issued by the County for the Lot Line Adjustment, Tract Map, Development Plan, and Coastal Development Permit for the Hacienda Vieja Project on March 7, 2004. Following receipt of the corrected Notice of Final Action, a 10 working day appeal period was set and notice provided beginning March 8, 2005 and extending through March 21, 2005.

An appeal of the County's action was filed by Valerie Olson, during the appeal period, on March 9, 2005. Commission staff notified the County, the applicant, and all interested parties that were listed on the appeals.

II. STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE

MOTION: *I move that the Commission determine that Appeal No. A-4-STB-05-037 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-4-STB-05-037 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified LCP and/or the public access and recreation policies of the Coastal Act.

III. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. BACKGROUND

Both lots are zoned Design Residential (DR-2) in the certified Local Coastal Program (LCP) for Santa Barbara County. Parcel 1 (APN 065-240-019) is currently developed with corrals and sheds. Parcel 2 (APN 065-240-020) is currently developed with a single-family residence of approximately 2,600 sq. ft., several horse corrals, sheds, and a horse stable. Adjacent land use to the west and north is single-family residential. South of the property is an undeveloped area designated as Environmentally Sensitive Habitat (ESH) under the LCP, known as More Mesa. The area to the east is currently being developed with eight new single-family homes known as the Las Brisas project.

Vegetation on the property includes a variety of non-native landscape vegetation, including lawn around the perimeter of the existing residence. A row of eucalyptus trees are along the eastern property boundary. There is also a row of eucalyptus and coast live oak trees clustered along the southern edge of the existing drainage swale and wetland area along the southern property boundary. From the north portion of the property, the parcels slope gently downward to the south. A degraded freshwater marsh/arroyo willow riparian wetland habitat is located in the southwest portion of the existing Parcel 2. This wetland is partially on Parcel 2 and partially on the neighboring undeveloped parcel to the south. The wetland delineation (Watershed Environmental, April 2002) used the Commission's criteria for wetland delineation and mapped 0.26-acres of wetland on the subject property. As a condition of approval of the project, the Board of Supervisor's required that the applicant's Wetland Restoration Plan (Watershed Environmental, February 2004) be implemented. This includes restoration of a .71-acre area containing the severely disturbed wetland habitat and buffer on the subject properties. New wetlands (.06 acre) would be created as a part of the proposed project. The wetland would be located on the lot proposed to be owned in common by the homeowners and would be permanently dedicated open space. The wetland and buffer would be managed in accordance with the restoration plan, and access shall be restricted in the restoration area. All proposed new structures will maintain a buffer setback of 100 feet from the outer edge of the wetland.

The sites are located adjacent to an approximately 300-acre undeveloped area known as More Mesa. More Mesa is zoned Planned Residential Development (PRD-70; 70

units). In addition, approximately 246 of the 300 More Mesa acres are designated as ESH.

Additionally, as a condition of approval of the Hacienda Vieja project, a 15-foot wide public access easement would be permanently dedicated to the County along the western boundary of the project area.

B. PROJECT DESCRIPTION

On February 15, 2005, the Santa Barbara County Board of Supervisors undertook final discretionary action to approve the Hacienda Vieja Residences Project. The County's action approved a lot line adjustment between two parcels, a parcel (Parcel 1) developed with horse related structures and a parcel (Parcel 2) with an existing single-family residence and horse related structures. Parcel 1 (APN 065-240-019) will be increased in size from 1.16 acres to 2.38 acres and Parcel 2 (APN 065-240-020) will be decreased in size from 2.33 acres to 1.11 acres. (Exhibit 4)

The County's action also approved a tentative tract map (Tentative TM 14,595) for the division of reconfigured Parcel 1 (2.38 acres) into four single-family lots and one common area to remain as open space (0.96 acre) (Exhibits 5-6). No development is proposed on Parcel 2 under this application

The project also includes the construction of two, one-story single-family residences, with a maximum average mean height of 16 feet, and two, two-story single-family residences, with a maximum average mean height of 21 feet, landscaping, access road, entry gate, drainage swales, and 2,770 cu. yds. of grading (1,550 cu. yds. cut, 1,220 cu. yds. fill). Detailed project parameters are described in the table below.


	Proposed Lot Size	Use	Proposed SFR Size (sq. ft.)	Levels	Avg. Mean Height
Parcel 1	2.38 acres	Subdivision	See below	See below	See below
Lot 1	18,894 sq. ft. (.43 ac)	SFR	3200 sq. ft. + 400 sq. ft. garage	One-story	15 ft.
Lot 2	13,781 sq. ft. (.32 ac)	SFR	3386 sq. ft. + 480 sq. ft. garage	Two-story	20.85 ft.
Lot 3	14,059 sq. ft. (.32 ac)	SFR	3200 sq. ft. + 400 sq. ft. garage	One-story	16 ft.
Lot 4	15,703 sq. ft. (.36 ac)	SFR	3190 sq. ft. + 470 sq. ft. garage	Two-story	21 ft.
Lot 5	41,625 sq. ft. (.96 ac)	Open Space / Wetland Restoration	N/A	N/A	N/A
Parcel 2	1.11 acres	Existing SFR	Approx. 2600 sq. ft.	One-story	Unknown

The existing Land Use Plan / Zoning designation for the subject parcel is Design Residential (DR-2) which allow a maximum density of four units. The proposed development is consistent with the LCP designation.

C. LOCAL PERMIT HISTORY

The applicant, Jack Maxwell, requested the County's approval of four items: a Lot Line Adjustment, a Tentative Tract Map (TRM), a Development Plan (DP), and a Coastal Development Permit (CDP). Each of these discretionary actions taken by the County are appealable to the Commission under the County's LCP.

The LCP requires that Development Plans under the jurisdiction of the Planning Commission be considered at a noticed public hearing and that the Planning Commission approve, conditionally approve, approve with modifications of development standards, or deny the plan. On October 6, 2004, the County of Santa Barbara Planning Commission approved the Hacienda Vieja project, a proposal for four new single-family dwellings on 2.39 acres. The proposal as approved consisted of the Lot Line Adjustment, Tentative Vesting Tract Map, Development Plan, and Coastal Development Permit (02LLA-00000-00002; 02TRM-00000-00002; 02DVP-00000-00002; and 04CDP-00000-00087) as well as Planning Commission approval of a proposed final Negative Declaration (04NGD-00000-00011)

The County of Santa Barbara Planning Commission's decision was appealed to the County of Santa Barbara Board of Supervisors by Valerie Olson on behalf of the More Mesa Preservation Coalition. On February 15, 2005, the County of Santa Barbara Board of Supervisors approved a Tentative Tract Map (Tentative TM 14,541) to divide the 2.38-acre Parcel 1 into five lots subject to conditions and a Final Development Plan (02DVP-00000-00002) to develop four new residential units, also subject to conditions. The County's conditions of approval are attached as Exhibit 1). 

Commission staff received a Notice of Final Action for the Board of Supervisors' approval of the Lot Line Adjustment, Tentative Vesting Tract Map, Development Plan, and Coastal Development Permit (02LLA-00000-00002; 02TRM-00000-00002; 02DVP-00000-00002; and 04CDP-00000-00087) on March 7, 2005. A 10 working day appeal period was set and extended to March 21, 2005. An appeal was received by Valerie Olson on March 9, 2005.

D. APPELLANT'S CONTENTIONS

The appeal filed by Valerie Olson on behalf of the More Mesa Preservation Coalition is attached as Exhibit 2. The appeal states that the More Mesa Preservation Coalition is a group of concern citizens committed to preserving More Mesa in perpetuity. The organization has been in existence since 2000.

The appeal contends that the project is not compatible with the scale and character of the existing community, and therefore the project is inconsistent with LCP Policy 4-4. The appellant maintains that the proposed residences are not similar in either size or design to nearby semi rural ranch style homes; specifically, the Hacienda Vieja Project is not in conformance with the scale and character of the immediate existing community of Vieja Drive; and similarly, the bulk, scale, and height are not compatible with the neighborhood that can be defined by those structures that are on the edge of the

greater More Mesa area. The appellant has stated that all of the homes on Vieja Drive are on approximately one-acre lots, whereas the Hacienda Vieja Project is equivalent to four houses on 1.3 acres.

The appeal also contends that the two-story structures as proposed would significantly obstruct public views from the heavily used More Mesa coastal recreation and resource area, and therefore the project is inconsistent with Coastal Act Policy 30251, as incorporated by reference into the certified LCP. The appellant has submitted visual simulations of the project and project area (Exhibit 2). From these simulations, the appellant argues that “Lots 2, 3, and 4 are obtrusive and clearly visible from the heavily used east-west trail, even with current vegetation in place. Construction of these houses will significantly mar the north viewshed, when vegetation is removed; a practice commonly followed.”

Though an LCP policy was not cited, the appellant has stated that a major concern with the future potential buildout of the periphery of More Mesa and the cumulative effects of allowing two-story residences. The appeal states that there are currently 32 homes adjacent to More Mesa and 12 more are under construction. Considering those under construction, vacant land, and underdeveloped land, a total of 44 additional new structures can be built. Additionally, the appellant has identified 16 existing houses along the periphery of More Mesa with the potential for major redesign that would impact the viewshed.

To address the above issues, the appellant requests that the Commission direct the project developer to redesign the project as all one-story units. Designed to blend into the natural environment and the surrounding community.

E. ANALYSIS OF SUBSTANTIAL ISSUE

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellant relative to the project's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act. Based on the findings presented below. The Commission finds that a substantial issue does not exist with respect to the grounds on which the appeal has been filed. The approved project is consistent with the policies of the County of Santa Barbara LCP for the specific reasons discussed below.

The appellant contends that the project, as approved by the County does not conform to the policies of the LCP with regard to public views and the design and scale of the project inconsistent with existing community character. The appellant cited the policies summarized below from the County LCP.

LCP Policy 4-4 states:

In areas designated as urban on the land use plan maps and in designated rural neighborhoods, new structures shall be in conformance with the scale and character

of the existing community. Clustered development, varied circulation patterns, and diverse housing types shall be encouraged.

Coastal Act Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

1. Public Views

Coastal Act Section 30251, incorporated into the certified LCP, requires protection of visual qualities of coastal areas. The LCP policies as described above require that the proposed development be sited and designed to protect views to and along the ocean and scenic coastal areas and be visually compatible with the character of surrounding areas. The subject parcels are located on adjacent lots between the first public road and the sea and are adjacent to the More Mesa open space to the south, including numerous trails used by the public.

The appeal contends that the two-story structures as proposed would significantly obstruct public views from the heavily used More Mesa coastal recreation and resource area. The appellant has submitted visual simulations of the project and project area (Exhibit 2). From these simulations, the appellant argues that "Lots 2, 3, and 4 are obtrusive and clearly visible from the heavily used east-west trail, even with current vegetation in place." The appellant has identified other developments in the area as a basis for the impact to public views. The County staff did consider this information during the local appeal process, but determined that the other developments identified by the appellant have very different specifications and greater public visibility than the Hacienda Vieja proposal. According to the information provided in the administrative record, the other structures in question are as close as 30 feet from More Mesa, whereas the closest proposed residence in the Hacienda Vieja project is greater than 200 feet from the Mesa and screened by vegetation (Exhibit 8). Existing trails used by the public are setback even farther since they do not abut the property boundary.

The County staff analyzed the potential view impacts within the negative declaration and subsequent staff reports to the Planning Commission and the Board of Supervisors. In the staff report dated February 1, 2005, the County concluded the following with regard to obstruction of views:

The proposed four new dwellings would be too low and too distant to obstruct public views of the mountains from More Mesa, as analyzed and discussed in the proposed final Negative Declaration. In addition, the proposed final Negative Declaration was revised to include discussion of potential impacts on private views (see Attachment C of this letter: PC memo dated July 22, 2004). As mitigated by project conditions of

approval, impacts on private views would be less than significant. Overall visibility of the project from public areas would be minimal and less than significant due to:

Distance of the proposed structures from the perimeter of More Mesa. The closest point of proposed structural development on Hacienda Vieja is approximately 220 feet away from the edge of More Mesa. By comparison, other projects in the vicinity that the appellant has expressed concerns about (Las Brisas and Gallego/ Mockingbird) are within 30-90 feet from the edge of More Mesa.

Design Residential (DR) Site Design: The subject 2.39 acre parcel is Design Residential (DR) zoned, and the purpose and intent of DR zoning (Article II Sec. 35-74.1) is to provide areas for residential development in a wide range of densities, housing types, and design, and to create open space within new residential developments. DR zoning requires that at least 40% of the net area of a property shall be devoted to common open space. The approximately one-acre area of the project site to be left in perpetuity as open space is the portion of the site that borders More Mesa. The proposed four new single-family residences are clustered in the northern portion of the 2.39 acre parcel on four residential lots, and project conditions require that the approximately one-acre common area next to More Mesa shall be dedicated to the County of Santa Barbara and/ or an applicable non-profit entity and shall remain as open space.

Topographic elevation of the proposed structures. Due to the rolling terrain of the project neighborhood, the two-story elements of the Hacienda Vieja homes will sit lower on the horizon as seen from the More Mesa viewshed than one-story dwellings on the adjacent Las Brisas, Diamond Crest and Gallego/Mockingbird developments. Finished grade for the Hacienda Vieja homes would be at 76-foot elevations, compared to an approximate 100-foot elevation for Las Brisas, 92-foot elevation for Diamond Crest, and 115 feet for Gallego/ Mockingbird.

Existing and proposed landscaping would offer substantial screening of the project from all public areas. There is significant existing screening of the project site, consisting of a variety of trees and other vegetation on the common open space lot that lies between More Mesa and the proposed homes, as well as a proposed landscape plan as approved by the Planning Commission that will include specimen-size trees and other screening vegetation on all four residential lots. Any future tree removal would be subject to P&D review and approval.

The second-story floor areas are less than half the areas of the first floors, and significantly stepped back from every vantage point. The maximum 21-foot heights of the homes on Lots 2 and 4 would not appear as long, unbroken massing from any vantage point.

Required colors would substantially mitigate visual impacts. Project conditions would require all exterior materials on the four homes to be dark, natural-tone, non-reflective colors designed to blend with the colors or the surrounding terrain, and to be given final review and approval by the Board of Architectural Review. It is easily demonstrated by viewing existing development from More Mesa that dark, natural, blend-in colors make a very significant difference as to which structures are more prominent in the public viewshed.

Regarding cumulative visual impacts, the proposed project is consistent with the land use and zone designations considered in the Goleta Community Plan EIR (91-EIR-13) for future cumulative impacts to aesthetics and visual resources due to buildout of

the More Mesa area. As discussed in the proposed final ND, with the incorporation of mitigation measures as identified in the GCP EIR, cumulative aesthetic impacts would be less than significant.

The proposed residences will be visible from More Mesa. However, much of More Mesa is surrounded by residences to the east, west, and north. Additionally, landscape screening of the proposed development is required in the open space lot between the public area and the residences, pursuant to the approved landscape plan. According to the terms of the permit, trees that screen the development cannot be removed in the future. The project also complies with the required height restrictions and setbacks that reduce any negative visual impact to the public. Further, the County's approval requires the use of natural building materials and colors compatible with surrounding terrain on exterior surfaces of all structures. As a result of these factors, the Commission finds that there are no significant impacts to views.

Additionally, there seems to be some controversy over the height of the house in regard to the visual simulations. County staff has confirmed that the story poles that were erected to depict the project height represent the very highest point of the roof pitch, not merely the second floor plate level. The heights were calculated pursuant to County requirements to determine the average mean height. The heights of the proposed structures are below the maximum 35-foot height restriction in the Design Residential zone district.

The appellant has also suggested that the impact of public views can be mitigated by reducing the two-story residences to one-story heights. As proposed, two of the four residences would be two-stories with a maximum average mean height of 21 feet. The average mean height of the one-story residences is 15 and 16 feet. The Commission finds that a reduction in height of approximately 6 feet would not represent a substantial modification of the structure and its corresponding impacts to public views.

For the reasons above, the Commission finds that the County did analyze public visual impacts of the proposed development and that no substantial issue, with respect to conformance with the certified LCP, is raised by this argument made by the appellant.

2. Community Character

LCP Policy 4-4 requires new structures to conform to the existing scale and character of the surrounding community. Policy 4-4 also encourages diverse housing types. The appellant has argued that the proposed development is not compatible with the scale and character of the existing community, and therefore the project is inconsistent with LCP Policy 4-4. The appellant maintains that the proposed residences are not similar in either size or design to nearby semi rural ranch style homes. Specifically, the appellant contends that the Hacienda Vieja Project is not in conformance with the scale and character of the immediate existing community of Vieja Drive and that the bulk, scale, and height are not compatible with the neighborhood that can be defined by those structures that are on the edge of the greater More Mesa area. The appellant has stated that all of the homes on Vieja Drive are on approximately one-acre lots, whereas the Hacienda Vieja Project is equivalent to four houses on 1.3 acres.

The County staff addressed the compatibility of the proposed project with the Vieja Drive neighborhood character in its analysis. In the staff report dated February 1, 2005, the County concluded the following with regard to community character:

The question of neighborhood compatibility and size and scale received considerable attention throughout P&D review and the public hearing process.

The project as originally proposed consisted of four two-story dwellings of approximately 4,000-4,100 square feet (including garages). Existing development in the neighborhood consists of both one-story and two-story homes built in a variety of styles and ranging in size from approximately 2,100 square feet to 4,100 square feet. As originally proposed (even prior to revisions that downsized the project), the project was consistent with DR-2 zone height and density requirements and was recommended by P&D for approval.

In response to concerns expressed by the public (including the appellant) and by members of the Planning Commission during the hearing process, the applicant scaled back his project to its current configuration. The project as now proposed—two one-story homes and two two-story homes ranging from approximately 3,600 to 3,800 square feet (including garages)—is completely within the midrange of existing neighborhood development (for specific comparative statistics, please see page 4 of Attachment C of this letter). [see Table reproduced below]

More than a third of the dwellings within a quarter mile of the proposed project have two stories. Many of the existing two-story homes that can be seen from More Mesa and in the immediate neighborhood were approved in the 1980s and 1990s, and a variety of architectural styles (such as Modern and Mediterranean) are represented in the neighborhood mix. None of the designated zone districts of parcels bordering More Mesa (including DR, R-1 and EX-1 zoned properties) contain specific prohibitions on two-story structures.

As stated above, the Hacienda Vieja project is located on the perimeter of More Mesa. The County reviewed the size of projects in the area and presented the following information comparing the proposed project with other residences in the immediate neighborhood adjacent to and near More Mesa:

Project or Address (no. of houses)	Size (square feet incl. garage)	Two Stories?
Hacienda Vieja (4 houses)	3,600 - 3,866	1 (2 units) and 2 (2 units)
Rainbolt (2)	4,294	Yes
4876 Vieja Dr.	4,100	Yes
4864 Vieja Dr.	3,649	Yes
4870 Vieja Dr.	3,900	Yes
Diamond Crest (25)	3,100 – 3,400	1 (14 units) and 2 (10 units)
1095 Mockingbird (2)	4,183 and 3,771	Yes
Sandpiper	2,900 – 3,600	Yes
Vista LaCumbre (25)	2,860 – 3,000	1 (17 units) and 2 (8 units)
Las Brisas (8)	3,610	No

The above information indicates that the proposed project is comparable to existing residential development in the project vicinity and that the surrounding area is

developed with similar single-family residences. With regard to density, the County determined that all of Vieja Drive bordering More Mesa is either zoned DR-2 (two residences per acre) or DR-3.5 (3.5 residences per acre). The Hacienda Vieja Project is zoned DR-2, and would result in 4 residences on 2.39 acres. In this case, the development is clustered, which County staff notes is typical of DR site design, to allow for one acre of the project site closest to More Mesa to remain as open space, to locate structures outside of the 100-foot wetland buffer, and to allow the wetland restoration project to be implemented. In any event, the County's analysis determined that Hacienda Vieja is not proposed at a scale that would be of a higher density than the adjacent Las Brisas or Diamond Crest developments. As a result, the Commission finds that the County did adequately address this issue raised in the appeal and there is no substantial issue raised with respect to LCP consistency, as the subject site's development is consistent with the scale and density of other sites in the area.

Additionally, as noted above, the County determined that the proposed Hacienda Vieja structure closest to the perimeter of More Mesa would be approximately 220 feet away from More Mesa. By comparison, Lot 4 of the Las Brisas project to the east is 40 feet from the More Mesa perimeter and Las Brisas Lot 8 is 90 feet away (see Exhibit 8). The recently approved Gallego/Mockingbird new residence is 40 feet from More Mesa. Because of its greater distance from public viewing areas, lower elevations, existing and proposed landscape screening and the requirement for dark, natural exterior colors, the proposed project would be visually subordinate to other residential development as seen from the public trails of More Mesa.

In addition, the County staff analyzed the proposed development in order to determine that it conforms with the requirements set forth under Section 35-74 of the Zoning Ordinance of the LCP, listing specific standards for the Design Residential zone district in consideration of the surrounding. The subject site is zoned as DR-2, Design Residential, which allows for a range of densities, housing types, and design. The DR zone district allows for a maximum of coverage of the property for dwellings and allows a maximum 35-foot height limit. Additionally, the DR zone district requires that not less than 40% of the net area of the property be devoted to common and/or public open space. Lot 5 of the subdivision would be dedicated to permanent open space and help buffer the new residences from the More Mesa perimeter. The County found that the proposed development conforms to those standards.

Because the community along the perimeter of More Mesa is residential in character, and the project is setback and required to have landscape screening and blend in with the surrounding terrain, the Commission finds that the proposed project is consistent with the character of the surrounding community. Further, the County's analysis shows that the scale meets the requirements of the zone district as well as demonstrating the comparability of the scale to the existing development. Therefore, the Commission finds that the appeal raises no substantial issue with regard to the consistency of the approved project with the community character provisions of the County's LCP.

F. CONCLUSION

For the reasons discussed above, no substantial issue is raised with respect to the consistency of the approved development with the policies of the County's certified LCP regarding public views and the physical scale of development in relation to the surrounding community. Therefore, the Commission finds that the appeal filed by Valerie Olson, does not raise a substantial issue as to the County's application of the policies of the LCP in approving the proposed development.